In the High Court of Punjab and Haryana at Chandigarh

C.R. No.3612 of 2004
Date of decision:12-9-2006

Baldev Singh .....Petitioner

Versus

Amarjit Kaur and others. .....Respondents

CORAM: Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr. Gurcharan Singh, Advocate, for the petitioner.
Mr. Ashok Singla, Advocate, for respondent Nos.1 & 3.
Mr. J.S.Toor, Advocate, for respondent No.2.

VINOD K.SHARMA,J. (ORAL)

The present revision petition has been filed against the order dated 24-3-2004 passed by the learned Additional Civil Judge (Sr.Divn.), Amloh, under Section 10 of Code of Civil Procedure staying the suit filed by the petitioner in view of the fact that the subject matter between the same parties is pending adjudication in this Court in RSA No. 2012 of 2003.

Learned counsel for the petitioner contends that as the RSA is likely to take long time for its disposal, therefore, the matter before the trial Court is going to be delayed and even the relief claimed in earlier suit against which RSA was filed was not the same as in the present suit. The second contention of the learned counsel for the petitioner is that the parties in the RSA and the present suit are not the same. Therefore, it was not open to the trial Court to have stayed the suit till the disposal of the RSA by this Court.

I have considered the arguments of the learned counsel for the parties. Merely because the matter is going to be delayed, is no ground to continue the suit when the same was required to be stayed under Section 10 of the CPC. The second contention of the learned counsel for the petitioner is also misconceived as all the parties in the suit as well as in the RSA are the same

Accordingly, the revision petition is dismissed.

12-9-2006, **(VINOD K.SHARMA)**
'dls' **JUDGE**